App F IX 4

Previous References
mC - 88-43-39,40
mC 22-44 - 51,52,53

1945 (mC) mC File No 22-45
Serial Nos 4, 5

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 3246

Part B for

SUBJECT

Acquisition of certain Properties in Rangaswamy Temple Street, in Dn B'city for widening Sri Rangaswamy Temple Street at the junction of Avenue Rd and adjoining land to Sri Siddavidyaswamy Mandali - mc

2- 3246 -

2nd Oct 45

Issues Orders Accordingly -

To

The mC Commr B'city

mC 22/2-

C F 74]

S 398
2

Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

petition dated 20-6-45, received from Mr K Ramakrishna Reddiar in Kamalakampalya, requesting that the acquisition proceedings in respect of MI Door No 8, 4th Q of Ramaswamy Temple Street, Basavanagudi City, be stopped further.

1) Submit with a memo calling for a report from the Municipal Commr Bangalore City

2) 21/6 Order of Hon'ble Minister called for

3) Call for report

4) Submitted

Sd/- [illegible]

Asst Secretary.

The MI Room Store L-12451 calls for a report 23/6/45

Sec A

N B — Should routine notes be written on small slips the notes must be copied or slips pasted on this form

Notes

WD 07111 GPB—50 000—29 7-44

[etc , not intended for permanent record]

Sivaid

5) The Connected file is sent up

2) The Report called for in this office letter No L 1245/ d 23-6-45 is not yet received

6) Suspense (vide orders overleaf) Regn visits have been punched in Parallels (vide computer) ADR Regd for 6/9/45

ADDITIONAL ASST PY No 1507 D 4/5 GOVT

7) Please deft Record Dowd 4/9/45

8) Letter with a draft reminder 11/9

9) Answer in 11/9 hrs

Letter d 6-9-45 from the Secretary Sri Siddhartha Swamy Mudaliar, requesting that the City Municipality may be directed to hand over the foreman of Shop No 8&9 acquired by the Municipality on behalf of the Mandhi etc

PLANNING SECTION RECD 12 SEP 1945 GEN

NB — Should routine notes be written on small slips the notes must be copied or slips pasted on this form

2124/8398/1856

From the Municipal Comr Bcity

L1 C 835/43 dt 17-9-45

Ref a report on the objection petition of Mr K Ranganna, owner of D.No. 8 & 9 in the Rangasamy Temple street

---

1) Mr K Ranganna, owner of Door Nos 8 & 9 of the Rangasamy Temple Street, Bangalore has pressed that the acquisition of his shops by the Bangalore City Municipal Council, be abandoned, for the reason that they were fetching a rent of Rs 20- p m which was being used for the Devas of the Temple etc

2) It is seen from the Municipal Comrs' report that the acquisition of the above shops was sanctioned in G.O. no L 8785-7/M 2e-44-52 dt 2-3-45, with a view to widen the Rangasamy Temple Street at the junction of the Avenue Road The objections raised by the owners of the sites in this behalf were held to be untenable

Plan 'L'

3) It is reported that the award was

passed by the Special Land Acquisition Officer in June, 1945, and that the Award and Surrender notices were also issued in as the parties, it is doubtful, if Govt can now interfere in the matter

13) The Municipal Commr will also be requested to hand over possession of Shop Nos 8 and 9, to the Authorities of Sri Siddamadaswamy Mandir, in accordance with G.O No L6014-M SS-43-40, d 14-12-43 for orders

A-

14) A may be seen — vide para 7 supra. Address for rights

Minister for Ed: & P.H.

15)

6/10/45

28/9/ 25/9 hrs

ADDITIONAL SECRETARY No 1875 Dt 28/9 GOVT

OFFICE OF THE MINISTER FOR EDUCATION & P.H. Date 28 9 45 No 2070.

To submit with a draft letter

9/10

10/10 12/10

The Addl Com B.C.W. L3246-D 2-10-45 issues orders accordingly

Serial No

Petition from Mr Ranganathan, Secy Chicka Kamalamma requesting that the acquisition proceedings in respect of premises Nos 8 and 9, Ranga Swamy Temple Street, Bangalore, be withdrawn

Ministers Minute

1) Stay order may be given and records called for

Sd/- T C M R.
28-11-45

2) Submit with a draft letter

3) Appointment

Sd/- 29/11

To Mr Ivan

Sd/- 29/11/45

Issues stay order and calls for records from the Municipal Commr by Lr No 835/43-44 dt 5-12-45. Asks the acquisition records and states that necessary instructions have been issued to the Land Acquisition Officer to stop further proceedings in the connected

2) Reference is invited to paras 10 to 14 Supra explaining the case. The connected file is put up. Refer paras 18 Supra

Sd/- 17/12

NOTE—Contn Sheet

File No | of-194 | General and Revenue Secretariat

Serial No

22) The petitioner has requested that the acquisition of his premises No 8 and 9 (2 shops) in the Ramaswamy temple street Bangalore, be cancelled on the following grounds

1) that the said premises have been dedicated as Charitable Trust properties under a registered deed by the petitioners father; that the properties fetch a rent of Rs 20-0 p m which is being utilised for the temple purpose

2) that the acquisition is not for a public purpose, but is at the instance of some persons who are to minimise the interests of Ramaswamy temple

3) that the entire acquisition proceedings were taken in utter disregard of all the provisions of the City Municipality Act and Land Acquisition Act

23) said reference is submitted to the Municipal Commissioners report dated 17-9-45 in the matter — Flag 'E'

24) The above objections were held to be untenable c v.de G.O Nos S 8985-7 Mi 22-44-52, dated 2-3-45 and S 3246 Mi 22-45-5 dated 22-10-45) — Flag A & B

25) For orders Refer para 18 supra

Revenue

18/IV

FW

4) No reference is called for in this case, at this distance of time

Minister for Ed[n] H.P.H.) Jones 3/1/46

3/1/46

2) J.H. 3/1/46

3/1/46 Jones 7/1/46

2) If the endorsement is agreed I send up to the Cab[t] returning the records

Jones 7/1/46

2) Submit with a draft Endorsement for approval

Jones 7/1/46

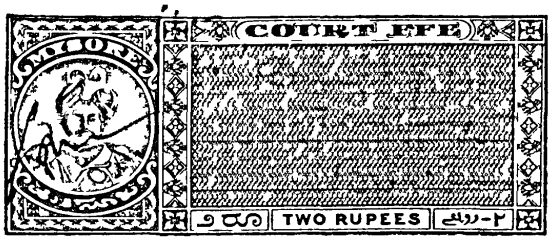
To Mr K. Ranatunga
L6623 d 11-1-46
Endorses accordingly

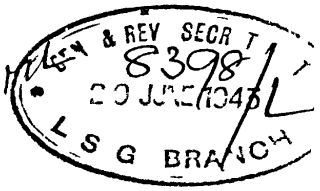
To The M[l] Com[s] Cab[t]
L6624 D 11-1-46
Has copy for information

FC [illegible]
Date 3 1 46
No 3873

M/L
FFM - SECTION
C M 045
CC

B





Before the Govt of His Highness the Maharaja of Mysore

Petitioner - Rangappa, son of Chikkakanakappa, alias Kanakappa, residing in Kanakanapalya, Bangalore City

The petitioner above-named respectfully beg to state as follows -

Premises Nos 8 and 9, Rangaswami Temple Street, Bangalore City, were proposed to be acquired under notification No L 3242/1 dated 20-10-1944 published in the Gazette dated 26-10-1944 for adding land to Sri Siddarudaswamy Mutt In pursuance of the said notification, the petitioner's father (khatedar) Chikkakanakappa filed his objections on 20-11-1944 (i e , within the time allowed by law) requesting that the acquisition proceedings may be dropped, for the reasons stated therein

Petitioner's father the said Kanakappa died on 27-11-1944, ~~ex~~ i e , a week after the objections were filed Petitioner learns that subsequetnly under notification No 8788 Ml 22-44-53 dated 2-3-1945 the Land Acquisition Officer, Bangalore City Municipality is directed to ~~exe~~ acquire the said premises

The petitioner humbly submits that the Benign Government may be pleased to direct the Land Acquisition Officer to stop further

(P T O) .

K Rangappa

proceddings and the order of acquisition may be kindly set aside for the following reasons -

1 The Premises in question are already the subject matter of a Trust in favour of Rangaswamy Temple, Rangaswamy Temple Street, Bangalore City, for the reasons detailed in the ~~ex~~ objection statement (A copy of the said objection statment is herewith produced) The income out of the properties is being utilised for the purposes of the temple The said properties are very valuable and fetch a rent of Rs 20/- per month and form an important source of income for the ~~maxxxxxxxx~~ maintenance of Temple, which, it is needless to stress, stands for the use and benefit of the public Under such circumstances there will be no justification in ignoring the sacred purpose for which they are dedicated and allowing them to be acquired for a ~~xxxxxx~~ proposed mutt

2 The acquisition proceedings were started at the instance of the Bangalore City Municipal Council under ~~x~~ a ~~x~~ resolution dated 28-12-1943 It is humbly submitted that ~~xxxxx~~ Section. 43 of the City Municipalities Act contemplates acquisition of land for the purpose of the Municipality and there is no provision conferring on the Municipal Council an authority to acquire property for a private institution Hence the resolution of the Municipal in this behalf is ultravires and all the subsequent proceedings are void abinitio

3 After the objections were filed by the petitioner's father, neither he nor the petitioner were given an opportunity to be heard, in person

K Rangappa

or through pleader, in the matter and no date was fixed for the hearing, as required under Section 5A(2) of the Land Acquisition Act and also Rule III of the ~~Land~~ Rules under the Land Acquisition Act This would mean a thorough violation of the mandatory provisions of the Act and the ex parte order by the Commissioner has resulted in great injustice and hardship on the Trust which the petitioner is anxious to safeguard

4 The petitioner humbly submits that none of the requirements contemplated under Sections 38 to 42 of the Land Acquisition Act and Rule III of the Rules thereunder have been complied with in these acquisition proceedings, viz ,

(i) Acquisitio of Land for a company shall be only with the previous consent of the Goverrment ~~xxxxxxxxxx~~ and on the company executing an agreement (Sec 39),

(ii) There shall be a previous enquiry in this behalf (Sec 40),

(iii) An agreement shall be executed by the company in favour of the Government (Sec 41),

(iv) Such agreement shall be published in the official Gazette(Sec 42),

(v) The Deputy Commissioner should forward the said ~~xxxxxx~~ agreement to Government (Rule III),

As one of the provisions have been complied with the petitioner respectfully submits that the entire proceedings are null and void

5 If the object of the acquisition proceedings is give a decent approach to the road

(P T O)

the petitioner is himself ready and willing to do the same

6 The petitioner humbly submits that he has no private or personal grievance in the matter and is anxious to see that the Temple is not deprived of the income and properties and fondly hopes that the Benign Government which is equally interested in safeguarding such sacred and religious institutions will appreciate the noble cause of the petitioner and drop further proceedings

As the Special Land Acquisition Officer is proceedingsx with his award immediately the petitioner humbly prays that further proceedings may be stayed pending disposal of this petition

K Rangappa
20-6-45

T.R. Ramanathan
Advt for Petr
20/6/45

Memo No L-12451 dated 23/6/45
Forwarded with compliments to the Municipal Commissioner, Bangalore city for favour of a report in the matter

B-o
Ramachandra
23/6/45
For Law Secretary

Refer
9752
RD 26/6/45

Solemnities were connected
papers
Dy
9/7/45

Before the Municipal Commissioner, Bangalore City

Objector - Chickanappa alias Kanakappa, Patel and
Land lord, residing in Kanakanapalya,
Bangalore City

Re Notification No L 3[illegible]/1 dated 20th October 1944 notifying proposal to acquire Municipal Nos. 8 and 9, Rangaswami Temple Street, VI Division, Bangalore City

The objector above-named states as follows:-

Premises No 8 and 9, Rangaswami Temple Street, Bangalore City have been dedicated as charitable trust properties under a registered family partition deed dated 6-10-82 between the objector's father and the objector's father's brother's son That at the time of the partition the properties had been mortgaged with possession inder [illegible] registered deed ddated 27-8-1879 and it was provided under the said partition deed that the mortgage had to be redeemed and after redemption the property had to be dedicated for the benefit of the Rangaswami Temple, a Muzarai [illegible] Institution situate to the west of the properties

The objector redeemed the mortgage about the year 1941 after instituting proceedings therefor against the mortgagee.

The properties consist of 2 shops and [illegible] both the shops have been rented out for R 20 per month andthe rent is being used for performing Rathotsavam sevas at the time of the rathotsavam festivities, the ne t day and the day next to it after the Karagam festival

The objector and his forefathers have been devotees of the said Lord for generations and it has been the desire of the objector to improve this property as so that not only

(P.T.O.)

wouldthe premises look aesthetic out also would provide larger income for the benefit of the temple. He had even applied for a kazeras license for this purpose.

That in this state of affairs while the objector presumes that Government as being persons equally interested in the Kuzrai Institutionx aforesaid would give an incentive to charitable trust, he is painfully surprised that the contrary would happen when he saw the gazette notification proposing to acquire the property

The acquisition is stated in the notification as ore for adding land to Sree Siddarudaswami Mutt The same notification states that the properties specified therein are required for the prupose of widening Ranganswami Temple Street at the junction of Avenue Road Premises Nos 1, 2 and 3 Ranganswami Temple Street, Banzalore City, which are also proposed to be acquired are at the junction while the premises Nos 8 and 9 aforesaid are farther away from the junction Indeed between the premises 1, 2, and 3 and premises 8 and 9 there is a pukka westank up tair house belonging to the Archaka of the temple Curiously that property is not proposed to be acquired while what is proposed to be acquired are properties at the two ends. The objector therefore submits that premises 8 and 9 are required not for public purposes of widening the Avenue Road but for a private purpose of adding to the land of a proposed Mutt The objector submits that there is not no Siddarudaswami Mutt As the objector understands the land behind premises 8 and 9 which had been left as a lure space and which the Municipal Council had continuously re used to dispose of for building purposes was granted on 12-8-43 to a Mandali called Sri Siddarudaswami Mandali. The Government while approving the council resolution on 14-12-43 subjected the grant to the condition that the Mandali must set itself

registered and it should in order to give a decent approach to the road and to prevent congestion negotiate to privately acquire premises 8 and 9 The Government order further went on to state that if this was not possible the same may be acquired by the Municipal Council for the Mandali at the cost of the Mandali It is very clear from the foregoing that the acquisition of premises Nos 8 and 9 is clearly for a private purpose and the objector therefore submits that the provisions of the Land Acquisition Act cannot be put into operation

The objector is anxious that the properties which are already dedicated for public charitable purpose should not be acquired so as to jeopardise that purpose in order to fulfil a private purpose of a Mandali which is yet to develop

That in law the provisions of the Land Acquisition Act can only be put into operation for a company Sri Siddarudaswami Mandali, is not a company as the term is understood.

Furthermore the Government Order aforesaid makes it very clear that it is the Municipal Council that has to acquire if Sri Siddarudaswami Mandali fails to purchase the premises by private negotiations The Municipal Council has not moved in the matter and objector ventures to submit that the Municipal Council would not on knowing the facts as set forth above would not think of acquiring the said premises.

The ~~objector~~ objector in his old age redeemed the property just when the time for redemption was about to get barred and saved the premises for the temple with the sole desire to effectuate the charity of his forefathers. The ~~objector~~ objector is prepared to rebuild or improve the premises as the case may be so that while the Municipal Council may have the satisfaction of seeing the locality is

(P T.O)

improved while giving the objector a chance to augment the resources of the temple

The Government order directs that these properties are to be acquired at the cost of Sri Siddarudaswamy Mandali Siddarudaswami Mandali is not a company but only a society registered under the Societies Registration Act and under proviso to Sec. 6 of the Land Acquisition Act that no property can be acquired unless the compensation to be awarded for the property is to be paid by a company or public revenues or some fund controlled or managed by a local Authority

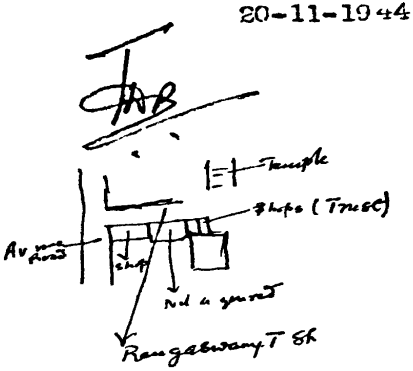
The objector respectfully submits that in the light of the facts now disclosed and in view of the fact that the proposed acquisition of these properties to add to the land of a Mutt which has not come into existence not being a public purpose as the terms are legally understood, the whole proposal may be recommended to be dropped

Sd Chikkanappa alias Kanakappa

20-11-1944

True copy

K Rangappa



ॐ Estd 1928

SRI SIDHARUDHA SWAMY MANDALI

REGISTERED 1944

233 KILARI ROAD

Bangalore City 6th Sept 1945

PRESIDENT
K C RAMAIAH Esq

VICE PRESIDENTS
S V SREENIVASA SETTY Esq
K S KAMAKSHIAH SETTY Esq
T L GANGOJI RAO Esq

TREASURER
T APPAJAPPA Esq

SECRETARY
D MALLAPPA Esq

To

The Additional Secretary to Government,
B A N G A L O R E

Dear Sir,

In pursuance of orders passed by Government and communicated under Municipal Commissioner's letter No LI C 835/43-44 dated 14-4-44 I beg to state that the cost of acquisition in respect of shops Nos 8 and 9 Mangleswamy Temple Street amounting to Rs 2000/- was deposited with the Municipality through cheque on the Bank of Mysore Ltd Bangalore, and the agreement required of us was also executed

We understand that the above shops have been acquired by the Municipality on our behalf We request that the possession of the properties be kindly ordered to be handed over to us so that we may proceed with the construction of the Mandali Buildings As the question is pending from a pretty long time, we request the matter be kindly treated as urgent

Thanking you,

Yours obediently
D Mallappa
Secretary

ML 22-45-4

2124

BANGALORE CITY MUNICIPALITY

MUNICIPAL OFFICES 24 9 45

No L1 C 835/43

Encl Application and a sketch

Bangalore 17th Sep. 1945

From

K SUBBA RAO Esq, B A

MUNICIPAL COMMISSIONER

BANGALORE CITY

To

J B Mallaradhya, Esq , M A ,
Additional Secretary to the Government
of Mysore, Bangalore.

Sir

Sub - Acquisition of certain properties in Rangaswamy Temple Street, II Dn Bangalore City for widening Sri Rangaswami Temple Street at the junction of Avenue Road and adjoining land to Sri Siddarudaswami Mandali site

---

With reference to your memo No L 1245 dated 23-6-1945, calling for a report on the objections petition of Mr K Rangappa owner of Door Nos 8 and 9 in Rangaswamy Temple Street, I have the honour to state that in conformity with the observations of the Minister for Local Self-Government and Public Health, during his inspection of the City on 19-11-1943 to the effect that the Rangaswamy Temple street should be widened at the junction of Avenue Road, necessary plans and valuation statements were got prepared by the Municipal Engineer, for the acquisition of Door Nos 1,2,3,8, 9, 11 and 12 The acquisition of these properties was sanctioned by the Municipal Council at their meeting held on 28-12-1943 and the preliminary notifications under the Land Acquisition Act was published by Government in G O No L 3242 dated 12-10-1944

2 The Government in their order No L 6043-4/Ml 88-43-40 dated 14-12-1943 have ordered that the shop (i e , No 8 & 9) situated in the south of the site granted to the Sri Siddaruda-swamy Mandali should be acquired in order to give a decent approach to the road and to prevent congestion It was further ordered that the said Mandali might be asked to take the building by private negotiation and if that was not possible, the same might be acquired by the Municipal Council, for the Mandali at

its cost It was reported that the Mandali authorities had failed in their attempts to purchase the shops by private negotiations and they undertook to pay the cost of acquisition estimated at Rs 1785/- Accordingly they deposited ~~by~~ Rs 2000/- on 16-6-1944 The cost of acquisition of S Nos 1,2-3 amounting to Rs 2327 was proposed to be met out of Municipal Funds

3 As regards shops Nos 11 and 12 a reference has been made to the Muzrai Commissioner, Bangalore to arrange for their removal as they are attached to Sri Rangaswamy Temple The owners of Door Nos.1,2,3,8 and 9 objected to the acquisition of their properties but the Government held that the said objections were invalid and finally sanctioned the acquisition of these properties in G O No L 8785-7/M1 22-44-52 dated 2-3-45 Then the Special Land Acquisition Officer passed awards in June_1945 and the award and Surrender notices were also served on the parties

4 At this stage the owner of Door Nos 8 & 9 Mr K Hangappa presented a petition to Government wherein he pr y ed that the acquisition of his shops be abandoned for the reason that they were fetching a rent of Rs 20/- per_month which was being used for the sevas at the temple_etc , and this petition has been sent to this office for report It is ascertained that shops Nos 1,2 and 3 are fetching a monthly rent of Rs 18/- and shops Nos 8 and 9 a rent of Rs 5-8-0 each or Rs.11/- per month and not Rs 20/- as stated by the party in his petition

5 The petition received with your memo under reference together with a sketch showing the details of the properties under acquisition is enclosed.

I have the honour to be,
Sir,
Your most_obedient servant,

Municipal Commissioner

hsr/-

No L 3246 - 1

Immediate 25/10/45

To The Municipal Team
Bangalore City.

Subj - Acquisition of certain properties in Rangaswami Temple Street, II Division, Bangalore city, for widening the street at the junction of Avenue Road and adjoining land to Sri Siddanadaswamy Mandli &c.

Sir, With reference to your letter No L1 C 835/43, d 17-9-45, on the above subject, I am directed to state that in view of the circumstances mentioned in your letter, action may be taken to hand over possession of shops

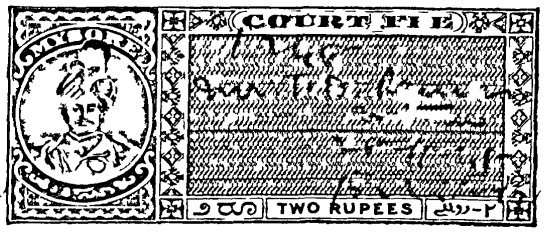
its cost.. It was reported that the Mandali authorities

Nos 8 and 9 to the authorities of the Sri Siddanadaswamy Mandli, B'lore, in accordance with your no of 6064-M SS-43-40 d 14/12/43

The sketch is herewith returned

Yours

Dr Baldeo



3705
L S G Branch

Stay order may be given & records called for

28/11/45

Rev Secy

Date 28 11 45
No 635

Before the ~~Governor~~ Minister of Public Health to the Government of His Highness the Maharaja of Mysore

Petitioner - Rangappa, son of Chikkakanakappa residing in Kanakanapalya, Bangalore City

Re Acquisition of Premises Nos 8 and 9, ~~xxx~~ Rangaswamy Temple Street, II Division, Bangalore City

The petitioner above-named respectfully begs to state as follows -

1 Premises Nos 8 and 9 (2 shops), Rangaswamy~~x~~ Temple Street, are acquired by the Land Acquisition ~~Xxxxx~~ Officer, Bangalore City Municipality, for the purpose of ~~xxxxxxx~~ adding land to Sri Siddarudaswamy Mandali

The said premises have been dedicated as charitable Trust properties under a registered partition deed dated 6-10-1882 by petitioner's father and his ancestors The income out of the properties is being utilised for the temple purposes The properties are very valuable and fetch a rent of Rs 20/- per month and ~~xxxx~~ form an important source of income for the maintenance of the temple

2 The petitioner humbly submits that there is no justification in ignoring the sacred purpose for which the properties are dedicated and allowing

(P T O)

them to be acquired for a Mandali The petitioner humbly submits that the acquisition is not for any public purpose but is at the instance of some persons who are up to injure the interests of Rangaswamy temple It is not in the province of the petitioner to reveal the activities, the stability and objects of the Mandali but it would be sufficient to mention that the circumstances do not demand the interefence of the authorities to deprive the temple of the properties and acquire them for a Mandali, it is neither justifiable nor reasonable

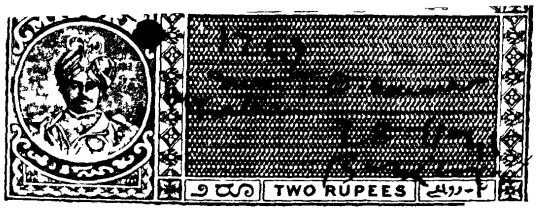
The petitioner submits that the entire aqquisition proceedings are null and void and were taken in utter disregard of all the provisions of the City Municipality Act and the Land Acquisition Act The petitioner preferred several petitions in this behalf pointing out the illegalities in the acquisition proceedings, A copies of the ~~same are~~ annexed Pet'n A/16 6 45 &8 TDR herewith

The petitioner humbly prays that for the above reasons the acquisition may be set aside and the properties may be allowed to be retained for the use and benefit of Rangaswamy Temple, which, the petitioner ventures to submit, does stand for the use and benefit of the public and anyday a more sacred institution than the Mandali which is yet to see the light of the day

The petr prays that ~~xix~~ an immediate order may be passed staying further proceedings, pending disposal of this petition

Bangalore.
28 11 45

TDR Gnanamathan
Advocate for Pet'r



Before The Munsiff of Bgle ಕೋರ್ಟಿನಲ್ಲಿ
Held At The Court of His Highness The Maharajah of Mysore

19 —19 ನೇ ನಂಬರು

ವಾದಿಯ ಅರ್ಜಿದಾರ
Ranga Iyya

ಪ್ರತಿವಾದಿ ಯಾ ಆಪೊನೆಂಟ್

Vs

ಮಾಲ್ ರಾಜ್ T. D Ramachar BA BL., 36, Pattanappa Street, Gollarpet, Bangalore City

Petitioner,

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನಮ್ಮ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ನಡೆಸುವುದಕ್ಕೂ ನಮ್ಮ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡೆಸಿಕೊಹಣ ವಸೂಲುಮಾಡಿ ಕೊಳ್ಳುವುದಕ್ಕೂ, ನಮಗೆ ಕೋರ್ಟಿನಿಂದ ಸ್ಪೆಷೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಲಗಾ ಕಿಲ್ಲು ಮೊಲಗು, ಪ್ರೊಸೆಸ್ ಸ್ಟಾಂಪು, ದಾವಾ ಸ್ಟಾಂಪು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ಆಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯ ಲಿಕ್ಕೂ, ಮೇಲ್ಕುಂಡ ಕೇಸಿನಲ್ಲಿ ರಾಜಿ ವಗೈರೆ ಮಾಡಿಕೊಳ್ಳಲಿಕ್ಕೂ ಮೊಖದ್ದಮೆಯನ್ನು ವಾಪಸ್ ಪಡೆಯ ಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇವೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರ್‌ಗಲಿ ಡಿಟೊ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡೆಯಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾವು ಖಂಡಿತ ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧರಾಗಿ ಇರುತ್ತೇವೆ

ತಾರೀಖು 28.11.45

ರುಜು K Ranga Iyya

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ
T D Ramachar

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿದೇನೆ
ಅಡ್ವೊಕೇಟ್ಸ್
T D Ramachar
28/11/45

"True copy"

Filed on 16/6/45

Before the Govt. of His Highness the Maharaja of Mysore

Petitioner - Kempaiah, son of [illegible], alias [illegible], residing in [illegible], Bangalore City

The petitioner above-named respectfully beg to state as follows -

Premises Nos. 8 and 9, Kantharavi Temple Street, Bangalore City, were proposed to be acquired under notification No. L. 3242/1 dated 30-10-1944 published in the Gazette dated 28-10-1944 for adding land to Sri Siddaruda Swamy Mutt. In pursuance of the said notification, the petitioner's father (Khatedar) Sri Ramanakappa filed his objections on 20-11-1944 (i.e., within the time allowed by law) requesting that the acquisition proceedings may be dropped, for the reasons stated therein

Petitioner's father the said Ramanappa died on 27-11-1944, ex i e , e ved after the objections were filed Petitioner learns that subsequently under notification No. 6788 al 22-44-53 dated 3-3-1945 the Land Acquisition Officer, Bangalore City Municipality is directed to acquire the said premises.

The petitioner humbly submits that the benign Government may be pleased to direct the said Acquisition Officer to stop further

(I...O.)

proceedings and the order of acquisition may be kindly set aside for the following reasons:-

1. The Premises in question are already the subject matter of a Trust in favour of Lakshmana Temple, Lakshmaswamy Temple Street, Bangalore City, for the reasons detailed in the said objection statement. (A copy of the said objection statement is herewith produced). The income out of the properties is being utilised for the purposes of the temple. The said properties are very valuable and fetch a rent of Rs 20/- per month and form an important source of income for the maintenance of Temple, which, it is needless to stress, stands for the use and benefit of the public. Under such circumstances there will be no justification in ignoring the sacred purpose for which they are dedicated and allowing them to be acquired for a private proposed Hutt.

2. The acquisition proceedings were started at the instance of the Bangalore City Municipal Council under a resolution dated 21-12-1943. It is humbly submitted that under Section 43 of the City Municipalities Act contemplates acquisition of land for the purpose of the Municipality and there is no provision conferring on the Municipal Council an authority to acquire property for a private institution. Hence the resolution of the Municipal in this behalf is ultravires and all the subsequent proceedings are void abinitio.

3. After the objections were filed by the petitioner's father, neither he nor the petitioner were given an opportunity to be heard, in person

or through pleader, in the matter and no date was fixed for the hearing, as required under Section 5A(2) of the Land Acquisition Act and also Rule III of the Land Rules under the Land Acquisition Act this would mean a thorough violation of the mandatory provisions of the Act and the ex parte order by the Commissioner has resulted in great injustice and hardship on the Trust which the petitioner is anxious to safeguard

4. The petitioner humbly submits that none of the requirements contemplated under sections 38 to 42 of the Land Acquisition Act and Rule III of the Rules thereunder have been complied with in these acquisition proceedings, viz, -

(i) Acquisition of land for a company shall be only with the previous consent of the Government and the company executing an agreement (Sec. 38),

(ii) There shall be a previous enquiry in this behalf (Sec 40),

(iii) An agreement shall be executed by the company in favour of the Government (Sec. 41),

(iv) Such agreement shall be published in the official Gazette(Sec 42),

(v) The Deputy Commissioner should forward the said ~~xxxxx~~ agreement to Government (Rule III);

As one of the provisions have been complied with the petitioner respectfully submits that the entire proceedings are null and void

5 If the object of the acquisition proceedings is give a decent approach to the road

(P T O.)

the petitioner is himself ready and willing to do the same

6. The petitioner humbly submits that he has no private or personal grievance in the matter and is anxious to see that the Temple is not deprived of the income and properties and fondly hopes that the Benign Government which is equally interested in safeguarding such sacred and religious institutions will appreciate the noble cause of the petitioner and drop further proceedings.

(sd) T D Ramanathan
Adv for Petr
16 6 45

Copy
FRR

No L 4404 30/X/1945

Immediate

To The Municipal Commr
Bangalore City

Sir,

I am directed to state that the acquisition proceedings in respect of premises Nos 8 and 9, Ranga Swamy Temple Street, II Division, Bangalore, by the Bangalore City Municipality may be stopped and the connected records may be submitted to Government for orders

Yours &c
for Secy to Govt
Rev. Dept

Bangalore City Municipality

No L.T.C.835/43-44
Encl One entire File with plans
FROM 4107-5-1
L S G Dept

MUNICIPAL OFFICES
Bangalore 5th Dec. 1945

SAFIDARASHAH ESQ, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J B Mallaradhya, Esq , M A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

SIR,

Sub - Acquisition of certain properties in Rangaswamy Temple Street, II Division, Bangalore City for widening the street at junction of Avenue Road and adjoining land to Sri Siddarudaswami Mandali site

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With reference to your letter No L 4404 dated 30-11-1945, requesting that the acquisition proceedings in respect of premises Nos 8 and 9 in Rangaswamy Temple street, may be stopped etc , I have the honour to state that instructions have been issued to the Special Land Acquisition Officer to stop further proceedings in this connection The entire records are enclosed herewith for favour of reference and return

I have the honour to be,
Sir,
Your most obedient servant,

Safidarashah

hsr/-

Municipal Commissioner.

Immediate L 6623
11-12-45

Endorsement granted to Mr
K Ramakka, Son of Mr
Thekkakamakakka, residing in
Kankanahalya, Bangalore city

With reference to his petition dated 28-11-45, addressed to the Minister for Education and Public Health, requesting that the acquisition of premises Nos 8 and 9 Cheap Shops, Ranganatswamy temple street, Bangalore city by the city Municipal Council, be

Set side, as K Ramappa is informed that his request cannot be granted

B.P.

for Revenue Secy

Memo no 16624 d 11-1-46

Copy sent to the Municipal Chief Bangalore city for info with reference to the correspondence ending with his letter No dlc 833-D 43-44 dt 12-12-45

2) The stay order communicated to him in this office letter no L4404 dt 30-11-45 is revoked

3) The connected records are herewith returned for necessary further action

for Revenue Secy